



An  
Bord  
Pleanála

**Board Order**  
**ABP-314700-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 22/450**

**Appeal** by John McMahon care of Áine Ryan Consulting of 29 Rath Ullórd, Bonnettsrath Road, Kilkenny against the decision made on the 31<sup>st</sup> day of August, 2022 by Kilkenny County Council to grant subject to conditions a permission to Philip Walsh care of Farm Buildings Services Limited of Ardscull, Athy, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention for slurry and effluent flow channel as built. Permission for roof over animal feeding and exercise yard, demolition of existing dry store, calf shed, soiled water tank and rearrangement of cow collecting yard and drafting yard, concrete yards and all ancillary works at Rath, Danesfort, County Kilkenny.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the nature and extent of the proposed development, the history of on-site agricultural activity, and noting the provisions of Kilkenny County Development Plan 2021-2017, including policy support for agriculture and food while ensuring the highest standard of environmental protection in the assessment of planning applications for development proposals as set out in section 5.2.4 (Agriculture and Food), it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be supported by policy outlined in the development plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended plans and particulars received by An Bord Pleanála on the 26<sup>th</sup> day of October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, to soakaways, and (b) all soiled waters shall be directed to the slatted storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

4. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2022 (SI Number 113 of 2022).

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of water courses.

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5. A minimum of 16 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of environmental protection and public health.

6. The roof and side cladding of the structures shall be coloured to be similar to existing buildings within the farm complex.

**Reason:** In the interest of visual amenity.



**Patricia Calleary**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board**

**Dated this 02 day of November 2023**